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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/605,211	09/15/2003	Alex Spector	001-230	2210
29569	7590	03/25/2008		
FURR LAW FIRM 2622 DEBOLT ROAD UTICA, OH 43080			EXAMINER SWEARINGEN, JEFFREY R	
			ART UNIT 2145	PAPER NUMBER
			MAIL DATE 03/25/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/605,211

**Applicant(s)**

SPECTOR ET AL.

**Examiner**

Jeffrey R. Swearingen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 17-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-20, 26 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date: \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date: \_\_\_\_\_

### **DETAILED ACTION**

1. This case has been assigned to a new examiner.

#### ***Response to Arguments***

2. Applicant's arguments with respect to claims 17-27 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Claim Objections***

3. Claims 21-25 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim must refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims have not been further treated on the merits.
4. Claims 17-27 are objected to under 37 CFR 1.75(i) as being in improper form. Where a claim sets forth a plurality of elements or steps, each element or step of the claim should be separated by a line indentation. Appropriate correction is required.
5. Claims 17-27 are replete with typographical errors. The newly submitted claims also have italicized words, which should be removed. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20 and 26-27 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. In regard to claims 26-27, Applicant previously defined the transport protocol as FTP and the method of communications as FTP download in claim 17. Claim 26 and claim 27 depend from cancelled claim 1. Claims 26 and 27 redefine the transport protocol as SOAP and HTTP, respectively. One of ordinary skill in the art is unable to ascertain what Applicant intends by these two claims based on dependency and antecedent basis issues, and the fact that these claims directly contradict subject matter

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claimed in independent claim 17 which is the only currently pending independent claim. The claims cannot be treated on the merits at this time.

8. The term "scalability and better performance" in claim 20 is a relative term which renders the claim indefinite. The term "scalability and better performance" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 17-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Skarbo et al. (US 6,317,777).

11. In regard to claim 17, Skarbo disclosed:

*a server computer*, column 2, line 40

*a host computer*, column 2, line 41

*a server software application installed on said server computer*, column 2, line 40

*a host software application installed on a client computer*, column 2, line 41

*shared electronic documents stored on the host computer by placing said document into a special folder where it is found by the host software application where said host software application monitors the shared folder by means of a watchdog service*, column 2, line 51 – column 3, line 10

*said server software application comprises:*

*a method of communication with said host software application on the host computer via*

*a network protocol*, column 2, lines 30-37

*a database of links to electronic documents stored on the host computer*, column 2, line

51 – column 3, line 10

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*an updating means to update said database of links to the electronic documents received from the host computer via said method of communication, column 2, line 51 – column 3, line 10*

*a viewer interface providing means to find the links stored in said database and request the electronic documents from the host computer, column 2, line 51 – column 3, line 10*

*the viewer interface provides means to directly or indirectly choose viewing preferences, which are submitted along with the request for the electronic documents sent to the host computer, column 6, lines 20-32*

*a host software application installed on said host computer, which comprises*

*a method of communication with server software application on the server computer via the network protocol, a monitoring means to monitor and register changes to the electronic documents stored on the host computer, column 2, lines 30-37*

*a notification means to notify the server computer software application about such changes to electronic documents via said method of communication, column 2, line 51 – column 3, line 10*

*a manipulation means to manipulate electronic documents by transformation of size, dimensions or content, using applicable existing document transformation algorithms, according to the viewing preferences received from the server software application via said method of communication, column 6, lines 20-32*

*a delivery interface providing means to deliver the original or transformed electronic documents directly to viewer via the transport protocol, wherein a viewer connects to the server computer to find the links to the electronic documents, specify the viewing preferences, according to which the electronic documents is automatically processed on the client computer and delivered through said communications method directly from the host computer to said viewer; column 6, lines 1-32*

*wherein said transport protocol is FTP and the method of communications is FTP download where said FTP protocol provides client computer's directory browsing capability directly to said viewer wherein there is a local cache of processed images on any number of host*

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*computers, which is used to serve multiple copies of the same processed document to more than one spectator.* Column 13, line 14

12. In regard to claim 18, Skarbo disclosed:

*a plurality of client computers.* Column 2, line 51 – column 3, line 10

13. In regard to claim 19, Skarbo disclosed:

*a single computer serves are both said client computer and said host computer with both the server software program and a client software program and can function as a client computer and process electronic documents.* Column 2, line 51 – column 3, line 10

14. In regard to claim 20, Skarbo disclosed:

*a plurality of single computers, thus achieving scalability and better performance.* Column 2, lines 20-40.

### **Conclusion**

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571)272-3921. The examiner can normally be reached on M-F 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Examiner  
Art Unit 2145

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